App. F. IX-4

193 .

File No. 252-3,

Previous References

Serial Nos. 142.

Later References

May 26-32 1-7

Jun 3-55-347-2

June 26-47-1-7

General and Revenue Secretariat.

Serial Nos. 142

Part B for May 1932

SUBJECT.

Payment of interest on the Endowment in favour of Peterally Lubba Seth Jeeva Bhoja at Bhuj (Cutch).

---

to Mackinnon, Mackenzie & Co's Calcutta
Invoice 87 dated 3rd May 1932
Peterally Lubba Seth Jeeva
Bhoja Bhuj
say, after the procedure to be
followed in future in respect of
payment of interest on the endow-
ment made on behalf of

General and Revenue Secretariat — File No. — of 1931.

Serial No.

Letter dated 18th January 1932 from Mr B Chinnaswami Selby, Visvanatha Mudaliar, Bangalore City, requesting sanction to drawing the interest on the endowments made for the benefit of Polepally Lubbai Selby's Free Boarding Home, besides insisting on the grant/delivery of a certificate from the Bankers to the effect that the amount of interest previously drawn has been properly utilised and countersigned by the Deputy Comm.

Submitted for orders with the previous papers on the subject.

C&G 19/1/32

The Matchaliga executed by Chinnaswami Selby in dept 29 is not in the office, having been returned to the Mysore Govt with the GO of 1.10.29.

The Comptroller's letter seems to have been based on the instructions given in GO no E 4020-70 - Edn 393-20-12 of 26.12.22 in regard to the payment of interest on charitable endowments.

7/Secy) - Ans 19/1

H.D. No. 125 of 31-32

Forwarded to the Mysore Govt with Compliments.

Note—Contn. Sheet

Dy. 24/1/32

for copy of his opinion as regds the remarks

WD 70—GBPM—60,000—13-8-31

837-18 2/32
3-37

[illegible] of the complaints.

2. [illegible] Collector [illegible] taken objection [illegible] earlier [illegible] original [illegible] Rs.30,000/- and he seems to be correct in [illegible] certificate of the similar [illegible] are contained and the countersignature [illegible] Commissioner.

3. [illegible] created by Mr. Chinnasami Setty [illegible] (copy enclosed) is evidently [illegible] to the credit side by his subsequent [illegible] connection with the --- [illegible] of Rs.30,000/- the engagement of [illegible] proved [illegible] account created by the [illegible] was issued with Government Order [illegible] dated 15th July 1931.

[illegible] Mr. Chinnasami Setty contested on [illegible] by Government in their order No.1 [illegible] dated 9th February 1925 were [illegible] on the latter not prepared to exempt Mr. Chinnasami Setty from the obligation to maintain [illegible] accounts, as required by the rules.

4. As the orders have already been passed in the matter, [illegible] of action under the claim of --- [illegible] by Mr. Chinnasami Setty is -- [illegible] to be required to conform [illegible] contained in the Government [illegible] February 1925 so far as it relates to [illegible] Rs.30,000/-

18/2

GENL. & REV. SEC. 9 FEB 1932 MADRAS

Revenue Commissioner.

Serial No.

9 held for orders —

GS MSH
20/2

10 The views of the Sr. C. Contd in the last para of his note Dispn may be accepted. The petr will if approved be informed accdy in reply to his representn

Fin. Secy) 24/2/32

11 Please put up the collector early file of 5th Feby 1925 referred to in the M cs note

2/2 29/2

12 Vide Govt no 1185-4/M & 193-24-28 5/2/25 forwd.

GS 4/3 Fin Secy) 7/3/32

13 I agree with the Mdg Commr.

The endowment consists of 2 parts (1) a cash deposit made under the Charitable endowments rules aggregating Rs 30000 on which interest is payable by Govt and (2) deposit of Mysore Govt bonds of the face value of Rs 42000.

14 When the cash deposits of Rs 2000 & 18000 were accepted, an agreement from the donor for the ~~production~~ maintenance of proper accounts and ~~from~~ for the submission of an annual accounts ~~by~~ before drawing the interest on the endowment was not obtained. In view of this Mr Chinnaswamy Setty contended That he should be exempted from the obligation to maintain and furnish accounts. This contention was not accepted ~~and~~ by Govt in 1925. Vide Flag B. And it will be seen from the records

NOTE—Contn. Sheet.

Mr. Chinnasamy Selby has accordingly furnished such as obtained in the past obtaining the Countersignature of the Auditor to the bills prepared for drawing the interest on the endorsement.

The question was raised again, in a slightly different form when he was required to execute a supplementary agreement as per Govt 13 7.27 in connection with the acceptance of a further endorsement of Rs 6000, so as to cover the deposit in the original agreement relative to the Cash endorsement. On finally executing the muchalka, the Donor took care to insert the following clause.

"But the submission of such an account shall not be insisted upon as a condition precedent to the payment of interest" - Thus resulted - Mr. Chinnasamy contends - should be made applicable not only to the interest accruing on the last-born Rs endorsement but also to that claimable in respect of all the previous endorsements whether in the form of cash deposits or loan bonds. As observed by the Ad.C, this contention virtually reopens the decision of Govt. in respect of the cash deposit received also in the form of 5.2.25 / and cannot be accepted.

In fact Mr. Chinnasamy Selby now wants to go back from the position he took up in April 1929, when he reconciled himself to the view that the rules regarding submission of accounts are applicable to Cash Deposits (which contending also the same him that they should not be extended to endorsements made in the form of loan bonds).

16 Mr C may be informed that the G 5 2 25 has to be forfeited and that the Compilers acceptance in accordance with the Rules cannot be called in question.

Hay N

G385

½

Serial No.

17 Mr. Chinnasami Setty has added a sum of Rs 42,000/- to the cash endowment of Rs 30,000/- made by his father-in-law for the maintenance of the chattram and the connected charities. He has agreed to keep accounts of the charities and submit them for inspection whenever called upon to do so. What he now represents is that no certificate of the Amildar need be insisted upon on the half-yearly receipts submitted by him for drawing interest. His contention that the provisions of the G.O. dated 26th December 1922 should not be applied to him, cannot, of course, be accepted. In fact, he was required to maintain accounts and submit them for examination and this he has agreed to do.

18 In view of the interest he is taking in the charities and of the large addition he has made to the endowment fund, his representation might be treated with consideration. It was in view of this aspect of the case that the provision contained in the last para of the G.O. dated 15th July 1927 was made. It is, of course, necessary that a scrutiny of the accounts of the charities should be made before disbursing the interest due on the endowment fund. The endowment itself consisting of both cash and bonds, should be regarded as one and the procedure for drawing interest on both forms of the endowment investment, should be the same.

NOTE—Contn Sheet.

The

WD 02563—G P B—50,000—8 7 30

15 The procedure for drawing interest in this case may be as follows: Along with the first receipt presented each half year claiming interest, Mr.Chinnasami Setty may be required to submit a statement of account for the previous half year in the form provided for in the last para of the G.O. dated 13th July 1927. The receipt with the account may be required to be submitted to the Deputy Commissioner for counter-signature, and on this authority, the Comptroller might arrange for payment of the amount due to ~~Mr. Chinnasami Setty~~. The second and subsequent receipts, if any, for drawing interest, submitted by Mr. Chinnasami Setty, in the same half year, may be passed without any counter-signature.

20/4/32

16 Perhaps a draft may be prepared for consideration

21/4/32

21 Draft to be submitted for consideration

22/4/32

22 Draft for approval

25/4/32

23 Draft for approval

26/4/32

23 Draft for approval

27-4-32

24 Draft for approval

27/4/32

Revenue at Mys

File No. 252 of 193 1.

[App. F. III—2

Serial No.	
2	G.O.no 1588-89 dated the 30th April 3rd May 1932 prescribing modified procedure for drawing interest on the endowments of Palepally Lakshmish Setty's Charities, Bangalore, whether in the form of cash deposit or loan bonds.

Copy to Dy Chamarajendra Setty Bangalore.

B ✓

NOTE—Contn. Sheet

WD 70—GBPM—60,000—13 8-31

File No. of 193

Polepally Subba Setty's Free Boarding Home

PROPRIETOR
B. CHINNASAMI SETTY
Ex
BANKER AND MUNICIPAL COUNCILLOR
RESIDENCE SESHAMAHAL"
102 VISVESWARAPURAM BANGALORE CITY

13 JAN.

COTTONPET, BANGALORE CITY

18th January 1932.

Muz 252-31-1. 76 of 31-32

To

The Financial Secretary,

to the Government of His Highness the Maharaja of Mysore,

B a n g a l o r e .

Sir,

I beg to place before you the following in connection with the Polepalli Subba Seet's Charities for favourable consideration and orders.

I executed a mutchalika before the Muzurai Commissioner on 2nd Sept. 1929 to conduct the said charities and maintain proper accounts and make them available for inspection and furnish the same to the Muzurai Commissioner whenever he considered it necessary to see them and that the submission of such accounts shall not be insisted as a condition precedent to the payment of interest and this was reported to Government who recorded the same in G.O.No.757/Muz.257-2o-10 dated 28th September 1929.

I presented a bill for Rs.750/- to the Comptroller on account of the interest for the half year ending 31st December 1930 and this was returned to me for obtaining a certificate recorded by the Amildar to the effect that the amount previously drawn has been properly utilised. and countersigned by the Deputy Commissioner.

Thereupon I pointed out to the Comptroller that according to the Muchalika executed by me and accepted by the Muzurai Commissioner and Government, there was no need for a certificate of the Amildar and that, besides this, the provi-

sions

provisions of G.O. No.E.4020-70 Edn. 399-20-12 dated 26th December 1922 cannot by any stretch of immagination be made applicable to me. Notwithstanding, the Comptroller has insisted on the production of the certificate on the ground that the Mutchalika executed by me relates to the endowment in bonds and not to the cash endowment.

I beg now to submit that the original endowment is being added on, off and on by me, as will be seen from the several investments I have made from time to time and the entire sum forms the nucleus of the charities and with a view to base the charities on a permanent basis to run without any sort of intervention by any person, this was consolidated and the Muchalika executed.

To insist on the production of certificate and countersignature in these circumstances really works as an unnecessary hardship, particularly as the investment of Rs.42,000/- over and above the original endowment is all in Mysore Government Loan Bonds carrying interest at specified rates and this cannot stand on the same footing as endowments accepted by Government and on which a higher rate of interest is being given.

I, therefore, submit that the Comptroller's view is not quite in order and pray that orders may be passed to enable me to draw interest without any such certificate. In making this request, I beg to state that I have absolutely no objection to present the accounts for inspection by the Muzurai Commissioner whenever required.

I beg to remain,
S i r ,
Your most obedient servant,

B Shamiaraoru

Mutchalika executed by Mr. B. Chinnasami Setty, residing at "Seshamahal" 102, Visveswarapuram, Bangalore City, in favour of the Muzrai Commissioner in Mysore, Bangalore.

The undersigned has received with thanks the Government order No.74-78/Muz.257-26-8 dated the 13th July 1927 accepting from him a sum of Rs.6000/- to augment the Endowment made by the late Mr. ----- Polepalli Subbiah Setty. The undersigned hereby undertakes to -- conduct, as hitherto, the late Mr. Polepalli Subbiah Setty's and - other Charities and to maintain proper accounts in respect of the - whole amount and make them available for inspection by any Muzrai Officer not below the rank of an Amildar. He further agrees to - furnish an account of the management of the Charities to the Muzrai Commissioner in the form appended to the Government Order, whenever the said Officer considers it necessary; But the submission of such an account shall not be insisted upon as a condition precedent to the payment of interest.

"C o p y"

For Muzrai Commissioner.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

* * * *

READ:-

Petition dated the 18th January 1932 from Mr.B.Chinnaswamy Setty, requesting that he may be permitted to draw interest on the ~~endorsementxmade~~ endowments made for the benefit of Polepally Subbiah Setty's Charities without insisting on the production of a certificate from the Amildar, Bangalore Taluk, to the effect that the amount of interest previously drawn had been properly utilised.

2. Un-official Note No.837/31-32 dated the 18th February 1932 of the Muzrai Commissioner on the subject.

- - - - - - - - -

ORDER NO: /588-89/ Muz 252-31-2

Dated, Bangalore, the 30th April 1932.

3.5.32

Government are pleased to direct that the following procedure be adopted for drawing interest on the endowments of this charity, whether in the form of cash ~~deposit~~ deposit or loan bonds:-

Along with the first receipt presented each half year claiming interest, Mr.Chinnaswami Setty should submit to the Deputy Commissioner, Bangalore District, a statement of account for the previous half year in the form provided for in the last para No.74-78/Muz.257-26-8 of the Government Order dated 13th July 1927, The receipt will be countersigned by the Deputy Commissioner after such examination of the account submitted as he may consider necessary and on this authority the Comptroller will arrange for payment of the amount due. The second and subsequent receipts, if any, for drawing interest presented by Mr.Chinnaswami Setty in the same half year, may be passed by the Comptroller without any countersignature.

for Financial Secretary to Government

CG

To

The Muzrai Commissioner in Mysore.
" Comptroller to Government.

S.R.-4

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Diary No. of letter replied to ....760.....

Section Immysai

File No. 252-31

Serial No. 2

General and Revenue Secretariat

(Immysai)

the *193* .

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue ....3.5.... 1932

Signed by M. B. Nadeem for Secy to G

N

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

Read— Govt order No 74-18/ Immysai 252-26-8 dated 13th July 1927 accepting a further endowment from Mr B. Obanna Shetty, Secty of Mutual, Visalakshi Order thereon No. 11, Bangalore City, for the benefit of the Poleahally Subbiah Setty's Charities at Bangalore, subject to his executing a suitable instrument in regard to the maintenance

of the accounts
in respect of the whole
Charity and pending
them for inspection and
that if it is found necessary
to call an account of
this Charity in addition
to examining it, the
Chinnaswami Selly
should be required
to submit it in the
form prescribed by the
orders.

2 G.O. No 757/Jud 373-28-4
1st October

Dated the 28th September
1929 forwarding the
report of the Inspecting
Commissioner ~~to the effect~~ forwarding the bond
executed by
~~that~~ the Chinnaswami
Selly ~~had executed~~
~~a bond~~ as contemplated
in Section 209 of the Civil
Account Code in respect
of the Endowments referred

N

List of Enclosure.

P

Copied by

Examined by

G. R. S. App F. G. 3.

GENERAL AND REVENUE C
SECRETARIAT.

(Continuation sheet draft form.)

P.V.9

to above.

3) Petition dated the 18th January 1932 from Mr B Chimaswami Setty, ~~Vismeshwarapuram,~~ Bangalore City, requesting that he may be permitted to derive interest on the endowments made for the benefit of Polehally Subbiah Setty's Charities ~~heithert~~ the production of a certificate from the Amildar, Bangalore Taluk, to the effect that the amount of principal previously drawn had been spent & utilized & ~~a~~ Receipt for

WD 0327—GPB—10,000—18-5-27

~~Cir the Dy Comm~~
G/I in official Note
No 837/31-32 dated the
18th July, 1932 of the
Inspecting Commissioner
the Circle.

Order No. 1588-89/Insp

~~Refer to careful~~
Consideration of all
the points of the Case,
Govt are pleased
to direct that the
following ~~modified~~ procedure
be adopted for
allowing interest on
the endowments of ~~these~~ the Charity:— Whether in the form of cash deposit or loan bonds.

Along with the first
receipt presented
each half year claiming
interest, the Chairman and
Secy should ~~be required~~
to submit a statement
of accounts for the

Dy Commr
to the Auditor,
Bangalore ~~Dy~~ DT ~~for~~

G. R. S. App F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

Nos 74-78
Mys 257-268

previous half year in the form provided for in the last para of the Govt order dated 13th July 1927, ~~read attend~~. The receipt ~~with the account may be~~ then ~~submitted to the Deputy Comptr for~~ will be countersigned by the Accountant, and on this authority the Comptroller ~~Treasurer~~ will arrange for payment of the amount due. The second and subsequent receipts, if any, for drawing interest, ~~subscribed~~ by Rao Chinnasami Setty, in the same half year, may be passed without any counter-signature

The Dy Comptr after such examination of the accts as he may consider necessary.

prescribed

The Comptr

WD 0327—GPB—10,000—18-5-27

Countersyndicate.

26/4/32

25/4/32

The Secretary Com. &
The Comptroller ~~Trade~~
~~Mr Scott~~,
~~The~~ Messrs. Chimanlal
Lallu, Lalchand Mahal, Vis-
ramsey Premsey,
Bombay City.

C.G. Kapoor
21/4/32

Mum
27.4.32